

HOUSE BILL NO. 515

INTRODUCED BY L. LEHMAN, LAWSON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING RETIRED VOLUNTEER FIREFIGHTERS TO RETURN TO ACTIVE SERVICE WITH A FIRE COMPANY UNDER CERTAIN CIRCUMSTANCES WITHOUT LOSS OF PENSION BENEFITS PAID UNDER THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT; AMENDING SECTION 19-17-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 19-17-401, MCA, is amended to read:

"19-17-401. Eligibility for pension and disability benefits. (1) To qualify for pension and disability benefits under this chapter, a member shall meet the requirements of subsections (2) or (3) and (4).

(2) (a) For full pension benefits, a member must have completed at least 20 years' service and must have attained 55 years of age, but need not be an active member of a fire company when 55 years of age is reached.

(b) A member who is prevented from completing at least 20 years' service may qualify for partial pension benefits if the member has completed at least 10 years' service and has attained 60 years of age, but need not be an active member of any fire company when 60 years of age is reached.

(3) An active member of a fire company whose duty-related injury results in permanent total disability is eligible, regardless of age or service, to receive a disability benefit.

(4) ~~To~~ Except as provided in subsection (5):

(a) to receive pension or disability benefits, a volunteer firefighter may not be an active member of any fire company. ~~A; and~~

(b) a volunteer firefighter who receives pension or disability benefits under this chapter may not become an active member of any fire company.

(5) In the event of a declared national, state, or local emergency affecting Montana, a retired volunteer firefighter who is not receiving a disability benefit under this chapter may return to active service with a fire company for the duration of the declared emergency without becoming an active member of the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan and without loss

1 of previously earned benefits. Only the fire chief of the fire company may determine who is in an
2 RETURN TO active service status. THE FIRE CHIEF SHALL PRESCRIBE THE DUTIES OF ANY RETIRED VOLUNTEER FIREFIGHTER
3 RETURNING TO ACTIVE SERVICE."

4

5 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

6

- END -